

107TH CONGRESS  
2D SESSION

# H. R. 5237

To declare that the United States holds certain public domain lands in trust for the Pueblos of San Ildefonso and Santa Clara.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2002

Mr. UDALL of New Mexico introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To declare that the United States holds certain public domain lands in trust for the Pueblos of San Ildefonso and Santa Clara.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. TRANSFER OF LANDS INTO TRUST FOR PUEB-**  
4                       **LOS OF SAN ILDEFONSO AND SANTA CLARA,**  
5                       **NEW MEXICO.**

6       (a) LANDS HELD IN TRUST FOR PUEBLO OF SANTA  
7       CLARA.—All right, title, and interest of the United States  
8       in the lands described in subsection (b), including all im-  
9       provements thereon and appurtenances thereto and rights  
10      to all minerals, including oil and gas, are hereby declared

1 to be held by the United States in trust for the Pueblo  
2 of Santa Clara.

3 (b) LAND DESCRIPTION.—The lands referred to in  
4 subsection (a) consist of approximately 2,484 acres of land  
5 presently under the jurisdiction of the Bureau of Land  
6 Management of the Department of the Interior situated  
7 within Rio Arriba County, New Mexico, and are more par-  
8 ticularly described as follows:

9 That portion of Section 22, Township 20  
10 North, Range 7 East, New Mexico Principal Merid-  
11 ian, that is north of the line established in accord-  
12 ance with the provisions of Section 2(a) of this Act.

13 South half of Section 23, Township 20 North,  
14 Range 7 East, New Mexico Principal Meridian.

15 South half of Section 24, Township 20 North,  
16 Range 7 East, New Mexico Principal Meridian.

17 All of Section 25, Township 20 North, Range  
18 7 East, New Mexico Principal Meridian, except for  
19 the 5 acre tract in the Southeast quarter owned by  
20 San Ildefonso Pueblo.

21 That portion of Section 26, Township 20  
22 North, Range 7 East, New Mexico Principal Merid-  
23 ian, that is north and east of the line established in  
24 accordance with the provisions of Section 2(a) of  
25 this Act.

1           That portion of Section 27, Township 20  
2           North, Range 7 East, New Mexico Principal Merid-  
3           ian, that is north of the line established in accord-  
4           ance with the provisions of Section 2(a) of this Act.

5           That portion of Section 19, Township 20  
6           North, Range 8 East, New Mexico Principal Merid-  
7           ian, that is not included within the Santa Clara  
8           Pueblo Grant or the Santa Clara Indian Reserva-  
9           tion.

10           That portion of Section 30, Township 20  
11           North, Range 8 East, New Mexico Principal Merid-  
12           ian, that is not included within the Santa Clara  
13           Pueblo Grant or the San Ildefonso Grant.

14           (c) LANDS HELD IN TRUST FOR PUEBLO OF SAN  
15           ILDEFONSO.—All right, title, and interest of the United  
16           States in the lands described in subsection (d), including  
17           all improvements thereon and appurtenances thereto and  
18           rights to all minerals, including oil and gas, are hereby  
19           declared to be held by the United States in trust for the  
20           Pueblo of San Ildefonso.

21           (d) LAND DESCRIPTION.—The lands referred to in  
22           subsection (c) consist of approximately 2,000 acres of land  
23           presently under the jurisdiction of the Bureau of Land  
24           Management of the Department of the Interior situated

1 within Rio Arriba and Santa Fe Counties, New Mexico,  
2 and are more particularly described as follows:

3 That portion of Section 22, Township 20  
4 North, Range 7 East, New Mexico Principal Merid-  
5 ian, that is south of the line established in accord-  
6 ance with the provisions of Section 2 (a) of this Act.

7 That portion of Section 26, Township 20  
8 North, Range 7 East, New Mexico Principal Merid-  
9 ian, that is south and west of the line established in  
10 accordance with the provisions of Section 2(a) of  
11 this Act.

12 That portion of Section 27, Township 20  
13 North, Range 7 East, New Mexico Principal Merid-  
14 ian, that is south of the line established in accord-  
15 ance with the provisions of Section 2(a) of this Act.

16 All of Section 34, Township 20 North, Range  
17 7 East, New Mexico Principal Meridian.

18 That portion of Section 35, Township 20  
19 North, Range 7 East, New Mexico Principal Merid-  
20 ian, that is not included within the San Ildefonso  
21 Pueblo Grant.

22 **SEC. 2. SURVEY OF BOUNDARY LINE; PUBLICATION OF DE-**  
23 **SCRIPTION IN FEDERAL REGISTER.**

24 (a) SURVEY OF BOUNDARY LINE.—In order to accu-  
25 rately establish on the ground the boundary of the lands

1 declared to be held in trust for the Pueblo of Santa Clara  
2 and the boundary of the lands declared to be held in trust  
3 for the Pueblo of San Ildefonso as described in section  
4 1 of this Act, the Secretary of Interior shall, by the date  
5 that is 180 days after the date of enactment of this Act,  
6 cause a survey to be conducted by the Office of Cadastral  
7 Survey of the Bureau of Land Management of the bound-  
8 ary lines established under the provisions of the Agree-  
9 ment to Affirm Boundary Between Pueblo of Santa Clara  
10 and Pueblo of San Ildefonso Aboriginal Lands Within  
11 Garcia Canyon Tract, that was executed on December 20,  
12 2000, by the respective Governors of the two Pueblos,  
13 which survey shall be undertaken in accordance with the  
14 provisions of such Agreement.

15 (b) PUBLICATION OF LAND DESCRIPTIONS IN FED-  
16 ERAL REGISTER.—Upon completion of the survey de-  
17 scribed in subsection (a), and its acceptance by the respec-  
18 tive Governors of the 2 Pueblos, the Secretary shall cause  
19 the full metes and bounds description of the lines thus  
20 established, together with a full and accurate description  
21 of the lands declared to be held in trust for each Pueblo  
22 by Section 1 of this Act, respectively, to be published in  
23 the Federal Register, and such descriptions shall, upon  
24 their publication, constitute the official descriptions of the  
25 lands transferred into trust hereunder. In preparing such

1 publication, the Secretary is authorized to correct any  
2 technical errors in the legal descriptions contained in this  
3 Act, so as to make the descriptions of the lands declared  
4 to be held in trust for the two Pueblos consistent with  
5 the terms of the Agreement described in subsection (a).

6 **SEC. 3. ADMINISTRATION OF LANDS DECLARED TO BE**  
7 **HELD IN TRUST.**

8       Upon the enactment of this Act, and subject to the  
9 other provisions of this Act, the lands described in section  
10 1(b) are hereby declared to be part of the Pueblo of Santa  
11 Clara's reservation and the lands described in section 1(d)  
12 are hereby declared to be part of the Pueblo of San  
13 Ildefonso's reservation. All lands described in Section 1  
14 shall be administered in accordance with the laws and  
15 rules of law generally applicable to property held in trust  
16 by the United States for Indian tribes.

17 **SEC. 4. VALID EXISTING RIGHTS PRESERVED.**

18       Nothing in this Act shall deprive any person (other  
19 than the United States) of any legal existing right-of-way,  
20 lease, permit, mining claim, grazing permit, water right,  
21 or any other right or interest which such person may have  
22 in any of the trust lands within the purview of this Act  
23 on the date preceding the date of enactment of this Act.  
24 No existing right or claim of either Pueblo to any lands  
25 or interest in lands based upon Aboriginal or Indian title

1 shall be enlarged, impaired or other wise affected by this  
2 Act.

3 **SEC. 5. LANDS SUBJECT TO SECTION 17 OF PUEBLO LANDS**

4 **ACT.**

5 The lands described in section 1, and all lands owned  
6 or acquired by the Pueblo of Santa Clara within the Santa  
7 Clara Pueblo Grant, and all lands owned or acquired by  
8 the Pueblo of San Ildefonso within the San Ildefonso  
9 Pueblo Grant, shall be fully subject to the provisions of  
10 Section 17 of the Act of June 7, 1924 (43 Stat. 641; com-  
11 monly referred to as the “Pueblo Lands Act”).

12 **SEC. 6. USE OF LANDS.**

13 Land conveyed under this Act may only be used for  
14 traditional and customary uses or stewardship conserva-  
15 tion for the benefit of the Pueblo of San Ildefonso or the  
16 Pueblo of Sanat Clara for whom the land is held in trust.  
17 The Secretary of the Interior shall work with the Pueblos  
18 to develop appropriate criteria for use of the land to en-  
19 sure that the land is preserved for traditional and cus-  
20 tomary uses or stewardship conservation.

21 **SEC. 7. WATER.**

22 Nothing in this Act shall constitute or be construed  
23 to constitute—

1           (1) an express or implied reservation of water  
2           or water rights with respect to the land conveyed  
3           under this Act; or

4           (2) a creation, recognition, disclaimer, relin-  
5           quishment, or reduction of any water rights of Pueb-  
6           lo of San Ildefonso or the Pueblo Santa Clara exist-  
7           ing prior to the date of the enactment of this Act.

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